

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-3 and 5-8 are pending in the application, with claims 1, 3, and 8 being the independent claims. Claims 1 and 6 are amended herein. The amendment to claim 1 is grammatical in nature. Support for the amendment to claim 6 may be found at least in paragraph [0038] of the Substitute Specification and in FIG. 4. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 1 and 6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 1

Regarding claim 1, the Examiner indicated the phrase "the step of presenting the acquisition code includes, each time a content reproduction request is received from the viewer:" is vague because it is unclear what happens each time a content reproduction request is received from the viewer. Claim 1 is amended herein, solely for the purposes of advancing prosecution, to recite "the step of presenting the acquisition code occurs each time a content reproduction request is received from the viewer and includes:" to clarify that each time a content reproduction request is received from the view, the step of presenting the acquisition code occurs. The Examiner indicated the claim language

was being interpreted as if the acquisition code is presented every time a reproduction request is received. For clarification, once a content reproduction request is received, the step of presenting an acquisition code occurs. The step of presenting an acquisition code includes "said prescribed reproduction device generating a random number based on a prescribed random function; and said prescribed reproduction device selecting and presenting an acquisition code corresponding to the generated random number from the password management table." Thus for each request received a random number is generated and an acquisition code is selected and presented corresponding to the generated random number from the password management table. Accordingly, it is believed that claim 1 is definite as one of ordinary skill in the art would understand what happens when a content reproduction request is received.

Applicants respectfully request that this rejection of claim 1 be reconsidered and withdrawn.

Claim 6

Regarding claim 6, the Examiner indicated that term "position information" is not defined by the claim and the phrase "wherein position information for the server" lacks antecedent basis. Claim 6 is amended herein to recite "wherein a URL for accessing the server computer." The term "URL" is a well known term in the art and is discussed in the substitute specification in at least paragraph [0038] and in FIG. 4. Further, claim 3 provides antecedent basis for the term "server computer." Accordingly, the amendment to claim 6 is believed to render the claim definite. Applicants respectfully request that these rejections of claim 6 be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-3 and 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,799,277 to Colvin ("the Colvin patent") in view of U.S. Patent No. 6,631,359 to Braitberg *et al.* ("the Braitberg patent") and further in view of U.S. Patent No. 5,581,547 to Umeda *et al.* ("the Umeda patent"). Applicants respectfully traverse these rejections as the Examiner has failed to establish a *prima facie* case of obviousness.

Independent claim 1, as amended herein, is directed to a viewing management method wherein:

the step of presenting the acquisition code occurs each time a content reproduction request is received from the viewer and includes: said prescribed reproduction device generating a random number based on a prescribed random function; and said prescribed reproduction device selecting and presenting an acquisition code corresponding to the generated random number from the password management table.

Independent claim 3 is directed to a viewing management method wherein:

said prescribed reproduction device presents an acquisition code corresponding to a random number generated according to a prescribed random function.

Independent claim 8 is directed to a system for reading an information recording medium with a prescribed reproduction device including:

wherein said prescribed control information contains a control program for said prescribed reproduction device to perform a plurality of functions, the functions comprising: presenting a prescribed acquisition code corresponding to a random number generated according to a prescribed random function to said viewer and urging said viewer to input a prescribed password associated with said presented prescribed acquisition code in said prescribed password management table.

None of the Colvin patent, the Braitberg patent or the Umeda patent, either alone or in combination, disclose or suggest the invention claimed in independent claims 1, 3, and 8.

The Colvin patent is directed to a system and method for monitoring software usage. As shown for example in FIG. 14a, the Colvin patent discloses the sequential steps of generating an activation key (step 652), then creating a random encryption key for each activation key (step 654), and then encrypting a password and random number with the encryption key for each activation key (step 656). In other words, at best, the Colvin patent discloses determining an activation key first and then afterwards determining a random number for that activation key. However, in the invention claimed in independent claims 1, 3, and 8, the random number is determined first and afterwards the acquisition code corresponding to the random number is determined.

The Braitberg patent is directed to a writeable access medium control using a medium writable area and does not disclose or suggest presenting an acquisition code based on a random number generated by a random function.

Accordingly, the Examiner is correct in recognizing that a combination of the Colvin patent and the Braitberg patent does not disclose selecting and presenting an acquisition code corresponding to the generated random number from a password management table. The Examiner appears to rely on the disclosure of the Umeda patent as suggesting the deficiencies of the Colvin patent and the Braitberg patent. However, unlike the Colvin patent and the Braitberg patent which are directed to software-license management, the Umeda patent is directed to an entirely non-analogous art. One skilled in the art would not look to the Umeda patent, which is directed to transmissions within a

mobile communication network, for modifying the disclosures of the Colvin and Braitberg patents. Therefore, the disclosure of the Umeda patent is not combinable with the disclosures of the Colvin and Braitberg patents.

The Umeda patent is directed to a mobile communication system comprising a plurality of cells wherein each cell 10 has a base station 11 that is randomly accessed by a plurality of mobile stations 12₁, 12₂, and 12₃. See col. 5, lines 19-23 of the Umeda patent. A plurality of spreading codes C1-C3 may be provided and randomly selected for transmitting messages to base station 11 from a mobile station. See col. 8, lines 13-18 of the Umeda patent. The spreading codes are randomly selected in order to avoid clashing of messages sent from different mobile stations on the same spreading code frequency, which results in neither message be received by the base station. See col. 2, lines 59-64 of the Umeda patent.

It appears the Examiner considers the spreading code of the Umeda patent to be the claimed acquisition code. The spreading code is randomly selected in order to avoid using the same code simultaneously by multiple users, whereas the claimed acquisition code is randomly selected in order to have a password different from one reproduction request to another, and not to prevent multiple users from using the same code simultaneously. One skilled in the art would have no suggestion or expectation of success in implementing a random selection of an acquisition code in a combination of the Colvin and Braitberg patents based on the disclosure of the Umeda patent because the Umeda patent is directed to non-analogous art and uses the random selection for entirely different purposes.

In addition, the combination is improper because the Examiner appears to consider the claimed password table, which includes the claimed acquisition code, to correspond to the licensing information in the Braitberg patent. In light of this correspondence, considering the claimed acquisition code to correspond to the spreading code of the Umeda patent is unsound because the spreading code has no relation to licensing information.

For at least the reasons noted above, the Examiner has failed to establish a *prima facie* case of obviousness. Independent claims 1, 3, and 8 and dependent claims 2 and 5-7 are patentable over the combination of the Colvin patent, the Braitberg patent, and the Umeda patent. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

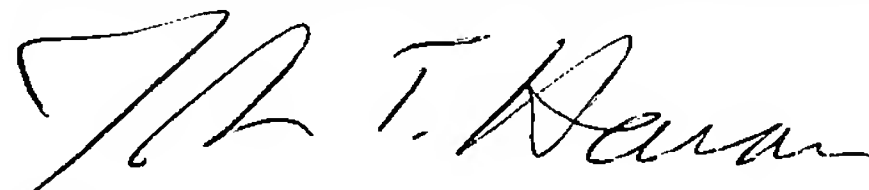
Reply to Office Action of September 17, 2008

SHIONOYA *et al.*
Appl. No. 10/533,875

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



John T. Haran
Attorney for Applicants
Registration No. 58,010

Date: December 15, 2008

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
914844